

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS

Plaintiff,

-vs-

THE MIDDLE EAST FORUM,  
DANIEL PIPES (*individually*),  
GREGG ROMAN (*individually*), and  
MATTHEW BENNETT (*individually*)

Defendants.

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CIVIL ACTION NO. 2:19-cv-05030-JDW

**DEFENDANT’S MOTION FOR CONTEMPT FOR FAILURE TO COMPLY WITH  
COURT ORDER COMPELLING COMPLIANCE WITH DISCOVERY OBLIGATIONS**

Defendant The Middle East Forum (“The Forum”), by its attorneys, Cozen O’Connor, hereby moves this Honorable Court for entry of the proposed Order of contempt against plaintiff Ms. Lisa Barbounis (“Plaintiff” or “Ms. Barbounis”) and her counsel, Seth Carson, Esq. (“Mr. Carson”), pursuant to Fed. R. Civ. P. 37(b)(2)(A) failing to comply with Your Honor’s Order dated October 26, 2020 (ECF No. 69) compelling Plaintiff to “produce all outstanding documents to MEF; and...file a certification of compliance on the docket in this matter” “by the close of business on November 2, 2020.” (*Id.*)

Based on its Motion and Memorandum, The Forum respectfully requests this Court enter an Order:

- (a) Finding Ms. Barbounis in civil contempt for failing to comply with a discovery order of this Court;
- (b) Finding Ms. Barbounis’ counsel in civil contempt for failing to comply with a discovery order of this Court;

- (c) Issuing a jury instruction that informs the jury of Ms. Barbounis' consistent efforts to hide materials in discovery and that allows the jury to presume she was successful in preventing the production of damaging material;
- (d) Ordering all documents with third-party e-discovery vendor Cornerstone to be designated Attorneys' Eyes Only and turned over to The Forum's Counsel;
- (e) Finding Ms. Barbounis to have waived all objections and privilege as to all documents made available to The Forum's counsel following the entry of this Order and ordering all redactions to be removed;
- (f) Unilaterally extending discovery for The Forum for a period of forty-five (45) days *after* The Forum receives the complete production from Cornerstone;
- (g) Ordering Ms. Barbounis and her counsel are to pay all costs for any court reporter/video for any deposition reconvened based on evidence uncovered in the yet-to-be produced documents;
- (h) Ordering Ms. Barbounis and her counsel are to pay The Forum's attorneys' fees and costs incurred as a result of The Forum filing its Motion to Compel (ECF No. 59); The Forums' previous contempt motions (ECF Nos. 62 and 65), and the instant Contempt Motion;
- (i) Setting the matter for a determination of attorneys' fees and costs for a date certain; and
- (j) Granting any and all such other relief as this Court deems proper; or
- (k) In the alternative, dismissing Ms. Barbounis' claims with prejudice for her failure to engage in the discovery process thereby prohibiting The Forum from receiving

discovery it is entitled to and which is necessary for The Forum to defend itself against Ms. Barbounis' claims.

/s/ David J. Walton

David J. Walton, Esquire  
Jonathan Cavalier, Esquire  
Leigh Ann Benson, Esquire

**COZEN O'CONNOR**

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*Attorneys for Defendant*

*The Middle East Forum*

Dated: November 10, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that I served upon all counsel of record a true and correct copy of Defendant The Middle East Forum's Motion for Contempt via ECF filing.

/s/ David J. Walton

David J. Walton, Esquire

**COZEN O'CONNOR**

*Attorney for Defendant,  
The Middle East Forum*

Dated: November 10, 2020